

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CARY WEI,

Plaintiff,

ORDER

-against-

CV 12-2755 (JS) (ETB)

MICROSOFT CORPORATION,

Defendant.  
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By letter motion dated July 8, 2013, the plaintiff, Cary Wei, requests the Court to hold in contempt the non-party witness, Dr. Juliana Kanji, M.D., with offices at 775 Park Avenue, Suite 154, Huntington, New York 11743, based on her failure to appear pursuant to a subpoena demanding her appearance and the production of records at a deposition commanded by counsel for the plaintiff, Peter A. Romano, Esq., which should have taken place at counsel's office in Farmingdale on May 20, 2013 at 9:30 a.m.

The non-party, Dr. Kanji, failed to appear today and has offered no opposition to the letter motion. Due to the drastic nature of the relief requested, which includes arrest and confinement to ensure compliance, I deny the request at this time, without prejudice to renewal in compliance with Local Civil Rule 83.6.

Instead, I direct that Dr. Kanji comply with all of the terms and conditions of the subpoena duly served on her no later than August 30, 2013 at a mutually agreed date and time at the place noticed by plaintiff's counsel.

**SO ORDERED:**

Dated: Central Islip, New York  
July 26, 2013

/s/ E. Thomas Boyle  
HON. E. THOMAS BOYLE  
United States Magistrate Judge